

Minnesota Pollution Control Agency

Watershed Division

REQUEST FOR COMMENTS

Planned Amendments to Rules Governing Animal Feedlots, *Minnesota Rules*, chapter 7020, Revisor's ID Number R-04928

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to animal feedlot rules, *Minnesota Rules* Chapter 7020 (Animal Feedlots). This rulemaking is referred to as the **Animal Feedlots Rule**. The main purpose of this rulemaking is to address changes in livestock and poultry operations and business practices, account for new agency data services, modernize outdated rule language, amend existing feedlot rules to improve land application of manure practices to address nitrates, bacteria, and fish kills, and establish additional technical standards to protect water quality and avoid fish kills.

Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the [Comments](#) section below.

This Request for Comments (RFC) is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the [Subject of Rules](#) section. Additional information is available on the rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/animal-feedlots>.

Submitting your ideas and information at this early stage in rulemaking allows more time to address issues that are important to consider and helps to ensure informed decision-making. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

The MPCA plans to convene stakeholder and community engagement opportunities throughout the rule development process, beginning with this notice, followed by public information sessions to be held in June and July of 2025 in affected areas (dates and locations to come at <https://www.pca.state.mn.us/get-engaged/animal-feedlots>).

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the [MPCA Contact Person](#).

Statutory Authority. *Minnesota Statutes*, section 115.03, subdivision 1 (a)(5) authorizes the agency to adopt, issue, reissue, modify, deny, revoke, reopen, enter into, or enforce reasonable orders, permits, variances, standards, rules, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution.

Subject of Rules. The main purpose of this Request for Comments is to provide the agency's notice of intent to amend certain sections of *Minnesota Rules* chapter 7020 governing animal feedlots. The last major revision of feedlot rules in Minnesota took place in 2000. Since that time, technology and the demand for data have evolved, agricultural practices have changed, and the agency has acquired new information and research. The most notable changes that the MPCA has observed include:

Evolution of regulatory strategies and technology.

- Online services for registration, permitting, manure management planning, and reporting;
- Move from paper to electronic records - data management system for agency and partner counties; and,
- Demand for real-time information on regulated universe and program performance.

Changes in livestock and poultry production techniques and practices.

- Fewer total number of feedlots in the state, with feedlots now having more animal units per facility. While the total number of animal units in the state has remained about the same, this consolidation of feedlots has resulted in concentrated manure generation volumes;
- More feedlots with 500 or more animal units (AUs), many designed to be just under permit thresholds;
- Different feed storage practices;
- Increase in manure transferred for land application;
- More liquid manure;
- Advanced land application practices;
- Increased reliance on commercial application of manure, including increased use of “manure pipelines/hoses” to move liquid manure farther from point of origin; and,
- Increased consolidation/integration and complex ownership structures.

New information, research, and understanding regarding agriculture and the environment.

- High levels of nitrate in surface waters and groundwaters;
- Climate change/extreme unpredictable weather events causing:
 - Fish kills, and
 - Manure storage area overflows;
- The MPCA’s 2014 Nutrient Reduction Strategy (and 2025 update) that outlines actions to reduce nutrient pollution to meet long-term goals;
- More Total Maximum Daily Load (TMDL) reports completed for impaired waters;
- Watershed Restoration and Protection Reports (WRAPS) for all major watersheds, documenting issues with high nutrient and bacteria levels in streams, and problems caused by livestock access to streams; and,
- Evolution of and research for nutrient management best management practices.

Changes in crop production and nutrient management practices.

- Increase in field drain tile amounts and pollutant concentrations;
- Loss of small grains/alfalfa and accompanying grazing lands/operations;
- Increased use of nitrification inhibitors;
- Increased research on manure nutrient crediting;
- Precision agriculture technologies; and,
- Increased research and emphasis on benefits of cover crops.

In addition to these observed changes, the MPCA, along with the Minnesota Department of Health (MDH) and Minnesota Department of Agriculture (MDA), received a letter from the U.S. Environmental Protection Agency (EPA) on November 3, 2023, providing notification that a petition was received by the EPA regarding groundwater nitrate contamination in the Southeast Karst Region (Karst Region) of Minnesota. In its letter, EPA acknowledged and appreciated the State's engagement and past efforts to address nitrate contamination, and also said there is need for additional action. While EPA acknowledged its emergency and enforcement authorities were available if needed, EPA did not, and has not, used them. Instead, EPA requested that the agencies submit a work plan to address immediate health concerns regarding nitrate contamination in drinking water in the Karst Region and tasked the agencies with developing and implementing a long-term plan to achieve reductions in nitrate concentrations in drinking water supplies. In particular, the EPA encouraged MPCA to consider updating its rules with regard to land application of manure, litter or process wastewater specific to Karst areas.

On January 12, 2024, the MPCA, in conjunction with MDH and MDA, submitted a plan to the EPA titled, "Work Plan: Addressing Nitrate in Southeast Minnesota" which included a proposal to review state feedlot rules and conduct research and consideration of potential sources of nitrate contamination originating from animal feedlots and land application of manure. This Request for Comments is the initial step required to begin rulemaking and act on the MPCA's long-term nitrate reduction goals.

Rule amendments are necessary to maintain regulations that are protective of human health and the environment. To address the changes that have occurred since the last feedlot rulemaking, the MPCA's three main areas of focus for these rule amendments include:

Updates to address changes in livestock and poultry operations and business practices, new agency data services, and outdated language.

- Permit and registration applicability;
- Animal unit factors;
- Clarity of definitions and requirements;
- Legislative alignment; and,
- Utilization of agency data services.

Land application of manure practices to address nitrates, bacteria, and fish kills.

- Transferred manure requirements;
- Nitrogen Best Management Practices (BMPs);
- Setbacks;
- Manure Management Plan (MMP) applicability;
- Visual monitoring; and,
- Compliance monitoring.

Technical standards to protect water quality and avoid fish kills.

- Manure storage capacity;
- Feed storage design and operation;
- Existing Liquid Manure Storage Area (LMSA) integrity;
- Ground water monitoring; and,
- Livestock access to waters.

In developing the animal feedlot rule, the MPCA would appreciate comments on the following questions:

1. Are there parts of the current rule (Minn. R. Ch. [7020](#)) that are no longer applicable or needed?
2. What specific changes to the current rules, including permit requirements (part [7020.0405](#)), water quality discharge standards (part [7020.2003](#)), location restrictions and expansion limitations (part [7020.2005](#)), liquid manure storage area standards (part [7020.2100](#)), or land application of manure (part [7020.2225](#)) would provide improved regulations that prevent nitrate contamination to ground and surface waters and fish kills? Should any of the following bullets be considered? If so, at what size (in AU)?
 - Operating permits (NPDES or SDS) for feedlots less than 1000 AUs.
 - Submittal of manure management plans and land application records for feedlots without operating permits.
 - Monitoring of feedlots and land application sites for subsurface discharges of manure or nitrate to groundwater.
 - Additional restrictions on manure application rates.
 - Soil nitrate tests prior to land application of manure.
 - Increased setback distance for land application of manure near sensitive features.
 - Restricting land application of manure in areas with high levels of nitrate in waters or in areas with existing high densities of feedlot operations.
3. The State Disposal System (SDS) and National Pollutant Discharge Elimination System (NPDES) feedlot general permits apply to feedlots that currently have capacity, or are proposing to have capacity, for a total of 1,000 or more AUs (part [7020.0405](#)). These permits include additional requirements as outlined in the following bullets. Should any of these requirements or other requirements in the permits be incorporated into the rule to apply to facilities with less than 1000 AU capacity?
 - Enhanced manure management planning and record keeping requirements for transferred manure.
 - Visual inspections of manure land application fields for signs of discharges.
 - Additional best management practices for land application of manure during the months of September through November.
 - Restricting land application of manure on frozen or snow-covered fields.
 - Best management practices for land application of manure when there is a high probability of rain predicted.
4. How should the MPCA address existing animal manure storage areas that have been used for a long period of time to determine structural integrity (part [7020.2100](#))?
5. Currently, feedlots with 1000 AUs or more are required to have 9 months manure storage capacity (part [7020.2100](#)). Should smaller sites be required to have a similar requirement? If so, at what size (in AU)?
6. The MPCA has developed Watershed Restoration and Protection Strategy (WRAPS) documents for every one of Minnesota's 80 major watersheds. These WRAPS document high nutrient and bacteria levels in streams and rivers. The reports attribute this to livestock access to streams in many cases. How should the rules be amended to address this documented issue (part [7020.2015](#))?

7. How should the MPCA address feedlots under the same ownership in close proximity to each other? How far apart must each feedlot be located in order to be considered a separate facility for the purposes of permitting and/or registration (parts [7020.0405](#) and [7020.0350](#))?
8. State agencies are required to, whenever feasible, develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the MPCA's regulatory objectives while allowing maximum flexibility to regulated parties and to the MPCA in meeting those objectives (Minn. Stat. § [14.002](#)). How might the MPCA balance this need for flexibility for regulated parties while also addressing the issues of nitrate contamination and fish kills?
9. Other questions or comments relating to the existing animal feedlot rules or this proposal to amend the rules.

Where to Get More Information. Information about this rulemaking is available on the rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/animal-feedlots>. As stated above, draft rule language is not available at this time. If you are interested in being notified when a draft of the rules is available and of other activities relating to this rulemaking, please register for GovDelivery email updates at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Persons Affected. The amendments to the rules would affect feedlots within the state, recipients of transferred manure, and people that live or recreate near feedlots and land application of manure sites.

Comments. Interested persons or groups may submit written comments or information on these possible rules in writing until **4:30 p.m. on Tuesday July 22, 2025**. Submit written comments or information to the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com/discussions>. Any questions about submitting comments via the Rulemaking e-Comments website should be directed to William Moore, Office of Administrative Hearings, telephone 651-361-7893, william.t.moore@state.mn.us. You may view frequently asked questions about the OAH Rulemaking eComments website at https://mn.gov/oah/assets/ecommments-faq_tcm19-82012.pdf. Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the planned rule amendments.

The MPCA does anticipate that the rule amendments may require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and want to ensure that the ALJ reviews your comments, you should resubmit the comments after the rules are formally proposed.

MPCA Contact Person. The MPCA contact person is Addison Otto, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone: 651-757-2754, email: addison.otto@state.mn.us. Technical questions on the planned rule amendments should be directed to George Schwint, 320-894-5866, email: george.schwint@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

February 25, 2025

Date signed



This document has been electronically signed.

Katrina Kessler, P.E.
Commissioner